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10 Attorneys for Defendant  
11 LEXAR MEDIA, INC.

12 UNITED STATES DISTRICT COURT

13 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

14 JENS ERIK SORENSEN, as Trustee of  
15 SORENSEN RESEARCH AND  
DEVELOPMENT TRUST,

16 Plaintiff,

17 v.

18 LEXAR MEDIA, INC., a Delaware corporation;  
19 and DOES 1 - 100,

20 Defendants.  
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Case No. C08-00095 JW

DECLARATION OF JOSEPH H. LEE IN  
SUPPORT OF DEFENDANT LEXAR  
MEDIA'S SUPPLEMENTAL  
STATEMENT IN OPPOSITION TO  
PLAINTIFF'S MOTION FOR  
APPLICATION OF 35 U.S.C. § 295  
PRESUMPTION OF INFRINGEMENT

Date: September 8, 2008  
Time: 9:00 a.m.  
Courtroom: 8, 4th Floor  
Judge: Hon. James Ware

1 I, Joseph H. Lee, declare:

2 1. I am an associate at the law firm of Weil, Gotshal & Manges LLP,  
3 attorneys for Defendant in this case. Unless otherwise stated herein, I have personal knowledge  
4 of the facts stated in this declaration and, if called upon by a court of law to do so, could and  
5 would testify competently to them.

6 2. Attached hereto as Exhibit A is a true and correct copy of Lexar's  
7 Responses to Plaintiff's Interrogatories No. 7-10, served on August 6, 2008, which has been filed  
8 under seal.

9 3. Attached hereto as Exhibit B is a true and correct copy of Lexar's  
10 Amended Responses to Plaintiff's Interrogatories No. 7-10, served on August 28, 2008, which  
11 has been filed under seal.

12 4. Attached hereto as Exhibit C is a true and correct draft copy of excerpts of  
13 the August 22, 2008 deposition of Lexar's 30(b)(6) representative, which has been filed under  
14 seal.

15 5. Attached hereto as Exhibit D is a true and correct copy of pages  
16 LEXSDRT000027, 028, 035, 043, 044, and 045, produced to Sorensen on July 22, 2008, which  
17 has been filed under seal.

18 6. Attached hereto as Exhibit E is a true and correct copy of  
19 LEXSDRT0001397-1733, produced to Sorensen on August 19, 2008, which has been filed under  
20 seal.

21 7. Attached hereto as Exhibit F is a true and correct copy of  
22 LEXSDRT0001734, produced to Sorensen on August 20, 2008, which has been filed under seal.

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